



Postal Registration No. N. E.—771/2006-2008

The Gazette of Meghalaya

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No. 304

Shillong, Tuesday, October 15, 2019

23rd Asvina-1941 (S. E.)

PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).170/84/74.—The Meghalaya Electricity Duty (Amendment and Validation) Act 2019 (Act No. 6 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 6 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 15th October, 2019.

THE MEGHALAYA ELECTRICITY DUTY (AMENDMENT AND VALIDATION) ACT, 2019**An
Act**

further to amend, and clarify the Meghalaya Electricity Duty Act, (as adapted from the Assam Electricity Act No. XXX of 1964 and amended by .Meghalaya) and to validate certain actions;

Whereas under Article 246 of the Constitution of India, *read* with Entry 53 of List II of the Constitution of India, the States have the plenary power to impose taxes on the consumption or sale of electricity; and

Whereas in the year 1964, the Composite State of Assam enacted the Assam Electricity Duty Act, 1964 (which became effective in the full fledged State of Meghalaya *vide* the North Eastern Areas (Reorganisation) Act, 1972 (Central Act No. 81 of 1971) with certain modification and adaptations made by the Meghalaya Taxation Laws (Modifications) Act, 1972 (Meghalaya Act No. 1 of 1972) [hereinafter referred to as “the principal Act”] in order to levy a duty on the consumption of sale of electricity; and

Whereas in the Preamble of the principal Act, it has been unequivocally stated that, it has been enacted to levy a duty on the sale or consumption of electricity; and

Whereas clause (c) of sub-section (1) of Section 3 of the principal Act provides for levy of duty on captive consumption of electricity, *i.e.* on the consumption of electricity by a person generating it for own use or consumption; and

Whereas under sub-section (3) of Section 3 of the principal Act stipulates that the electricity duty under Section 3 shall be computed and levied on the basis of the monthly consumption as shown in the electricity consumption meter; and

Whereas the levy of electricity duty under clause (c) of sub-section (1) of Section 3 is and has always been on the consumption of electricity by a person generating it for own use or consumption; and

Whereas the consumption of electricity by the same person who generates it would be liable to be taxed under the statutory provisions enacted in terms of Entry 53 of List II of the Constitution of India; and

Whereas in a recent judicial pronouncement, it has been held by the Hon'ble High Court of Gauhati, that under clause (c) under sub-section (1) of Section 3 of the Assam Electricity Duty Act 1964 (which was adapted and amended by Meghalaya as stated above) is *ultra vires* to the Constitution of India and is beyond the legislative competence of the State; and

Whereas the Meghalaya Electricity Duty Act has been challenged in the Hon'ble High Court of Meghalaya and it is apprehended that the Hon'ble High Court may take a similar stance; and

Whereas it has become necessary to clarify beyond all doubts and declare that the levy of electricity duty under clause (c) of sub-section (1) of Section 3 *read* with sub-section (3) of Section 3 of the principal Act is and has always been on the consumption of electricity by the person generating it for own consumption; and

Whereas as a matter of abundant caution, it has also become necessary to validate all actions taken in terms of clause (c) of sub-section (1) of Section 3 of the principal Act;

Be it enacted by the Legislature of the State of Meghalaya in the Seventieth Year of the Republic of India as follows, -

Short title and commencement.	<p>1. (1) This Act may be called the Meghalaya Electricity Duty (Amendment & Validation) Act, 2019.</p> <p>(2) It shall come into force at once.</p>
Amendment of Section 3	<p>2. In the Meghalaya Electricity Duty Act (as adapted from Assam Electricity Duty Act, No. XXX, Of 1964) Act, for the existing clause (c) of sub-section (1), of Section (3), the following shall be deemed to have been substituted with effect from the 21st Day of January, 1972, namely:-</p> <p>“(c) Consumed by any person or any organization generating energy”.</p>
Validation	<p>3. Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, electricity duty levied or collected as the electricity duty under the Meghalaya Electricity Duty Act, (adapted from Assam Electricity Duty Act, No. XXX of 1964) as amended from time to time, and all actions taken, things done, rules made, notifications issued or purported to have been taken, done, made or issued under the said Act shall, for all purposes, be deemed to be and to have always been validly levied, collected, taken, done, made or issued under the provisions of this Act, as if this Act were in force at all material times and accordingly,-</p> <p>(a) no suit or other proceeding shall be maintained or continued in, or before any Court, tribunal or other authority for the refund of any amount received or realized by way of such electricity duty;</p> <p>(b) no Court, tribunal or other authority shall enforce any decree or order directing the refund of any amount received or realized by way of such electricity duty;</p> <p>(c) any proceeding, act or thing which could have been validly taken, continued or done for the levy or collection of such electricity duty at any time under the provisions of the said Act but which not had been taken, continued or done, may be taken, continued or done.</p>
Repeal and Saving	<p>4. (1) The Meghalaya Electricity Duty (Amendment and Validation) Ordinance, 2019 (Meghalaya Ordinance No. 3 of 2019) is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been taken or done under the provisions of this Act.</p>

S. K. SANGMA,

Deputy Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).62/90/372.—The Court Fees (Meghalaya Amendment) Act, 2019 (Act No. 7 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 7 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 15th October, 2019.

THE COURT FEES (MEGHALAYA AMENDMENT) ACT, 2019**An****Act**

to further amend the Court Fees Act, 1870 in its application to the State of Meghalaya.

Be it enacted by the Legislature of the State of Meghalaya on the Seventieth year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Court Fees (Meghalaya Amendment) Act, 2019.
- (2) It shall come into force on the date of notification in the Official Gazette.

Amendment of Section 25A of the Court Fees Act, of 1870.

2. In Section 25A of the Court Fees Act, 1870, the following shall be amended, namely, -
 - (a) In sub-clause (ii) of clause (a) in between the words “Treasury or Sub-Treasury”, and “and shall”, the following new words “or by way of e-payment, in the manner as prescribed by rules” shall be inserted.
 - (b) After sub-clause (ii) of clause (a) the following new proviso shall be added, namely :-

”Provided that where court fee is paid by e-payment, the officer competent to cancel stamps shall verify the genuineness of the payment and after satisfying himself that the court fee is paid, shall lock the entry in the computer and make an endorsement under his signature on the documents that the court fee is paid and the entry is locked”.

Repeal and Saving

3. (1) The Court Fees (Meghalaya Amendment) Ordinance, 2019 (Ordinance No. 4 of 2019) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken when the said Ordinance shall be deemed to have been done or taken under this Act.

S. K. SANGMA,

Deputy Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).20/2006/155.—The Meghalaya Compulsory Registration of Marriage (Amendment) Act, 2019 (Act No. 8 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 8 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

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**THE MEGHALAYA COMPULSORY REGISTRATION OF MARRIAGE (AMENDMENT)
ACT, 2019**

An

Act

further to amend the Meghalaya Compulsory Registration of Marriage Act, 2012 (Act No. 13 of 2012);

Be it enacted by the Legislature of the State of Meghalaya Legislative Assembly in the Seventieth Year of the Republic of India as follows:—

**Short title and
commencement.**

1. (1) This Act may be called the Meghalaya Compulsory Registration of Marriage (Amendment) Act, 2019.

(2) It shall come into force at once.

2. In section 2 of the Meghalaya Compulsory Registration of Marriage Act, 2012, after the existing clause (i), new clause (j) shall be inserted namely, -

**Insertion of new
clause (j) in Section 2.**

- “(j) “Official purposes” in relation to the said Act shall mean a Contract of Marriage entered between the parties for addressing issues pertaining to pension, succession, and maintenance of spouse”.

S. K. SANGMA,

Deputy Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).54/2017/Pt/4. – The Meghalaya Regulation of the Game of Arrow Shooting and the Sale of Teer Tickets (Amendment) Act, 2019 (Act No. 9 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 9 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

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**THE MEGHALAYA REGULATION OF THE GAME OF ARROW SHOOTING AND THE SALE
OF TEER TICKETS (AMENDMENT) ACT, 2019**

An

Act

*further to amend the Meghalaya Regulation of the Game of Arrow Shooting and the Sale of Teer Tickets
Act, 2018 (Act No. 12 of 2018)*

Be it enacted by the Legislature of the State of Meghalaya on the Seventieth year of the Republic of India as follows:-

- | | |
|---|--|
| Short title and
commencement | 1. (1) This Act may be called the Meghalaya Regulation of the Game of Arrow Shooting and the Sale of Teer Tickets (Amendment) Act, 2019.
(2) It shall come into force with immediate effect. |
| Amendment of
Section 6 | 2. In sub-section (1) of Section 6 of the Meghalaya Regulation of the Game of Arrow Shooting and the Sale of Teer Tickets Act, 2018, for the words and figures "1000 feet or 300 meters", the words and figures "100 meters" shall be substituted. |
| Repeal and Saving | 3. (1) The Meghalaya Regulation of the Game of Arrow Shooting and the Sale of Teer Tickets (Amendment) Ordinance, 2019 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act. |

S. K. SANGMA,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).28/2017/723. – The Meghalaya Goods and Services Tax (Amendment) Act, 2019 (Act No. 10 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 10 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 15th October, 2019.

THE MEGHALAYA GOODS AND SERVICES TAX (AMENDMENT) ACT, 2019**An****Act**

further to amend the Meghalaya Goods and Services Tax Act, 2017 (Meghalaya Act No. 10 of 2017)

Be it enacted by the Legislature of Meghalaya in the Seventieth year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Meghalaya Goods and Services Tax (Amendment) Act, 2019.
- (2) Save as otherwise provided, the provisions of this Act shall come into force on such date as the Government of Meghalaya may, by notification in the official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment of Section 2.

2. In Section 2 of the Meghalaya Goods and Services Tax Act, 2017 (hereinafter referred to as the principal Act), -
 - (1) in clause (4), for the words "the Appellate Authority and the Appellate Tribunal", the words, brackets and figures "the Appellate Authority, the Appellate Tribunal and the Authority referred to in sub-section (2) of Section 171" shall be substituted;
 - (2) in clause (16), for the words "Central Board of Excise and Customs", the words "Central Board of Indirect Taxes and Customs" shall be substituted;
 - (3) in clause (17), for sub-clause (h), the following, sub-clause shall be substituted, namely:-

"(h) activities of a race club including by way of totalisator or a license to book maker or activities of a licensed book maker in such club; and";
 - (4) clause (18) shall be omitted;
 - (5) in clause (35), for the word, brackets and letter "clause (c)", the word, brackets and letter "clause (b)" shall be substituted;
 - (6) in clause (69), in sub-clause (f), after the word and figures "Article 371", the words, figures and letter "and Article 371J" shall be inserted;
 - (7) in clause (102), the following Explanation shall be inserted, namely, -

'Explanation.— For the removal of doubts, it is hereby clarified that the expression "services" includes facilitating or arranging transactions in securities;'

Amendment of Section 7.

3. In Section 7 of the principal Act, with effect from the 1st day of July, 2017, -
 - (1) in sub-section (1),-
 - (a) in clause (b), after the words "or furtherance of business;", the word "and" shall be inserted and shall always be deemed to have been inserted;

- (b) in clause (c) after the words "a consideration", the word "and" shall be omitted and shall always be deemed to have been omitted;
- (c) clause (d) shall be omitted and shall always be deemed to have been omitted;
- (2) after sub-section (1), the following sub-section shall be inserted and shall always be deemed to have been inserted, namely: -
- "(1A) where certain activities or transactions, constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as referred to in Schedule II.";
- (3) in sub-section (3), for the words, brackets and figures "sub-sections (1) and (2)", the words, brackets, figures and letter "sub-sections (1), (1A) and (2)" shall be substituted.

**Amendment of
Section 9.**

- 4. In Section 9 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:-
- "(4) The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Ordinance shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both."

**Amendment of
Section 10.**

- 5. In Section 10 of the principal Act, -
- (1) in sub-section (1) -
- (a) for the words "in lieu of the tax payable by him, an amount calculated at such rate", the words, brackets and figures "in lieu of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate" shall be substituted;
- (b) in the proviso, for the words "one crore rupees, as may be recommended by the Council.", the words "one crore and fifty lakh rupees as may be recommended by the Council:" shall be substituted;
- (c) after the existing proviso, the following new proviso shall be inserted, namely:-
- "Provided further that a person who opts to pay tax under clause (a) or clause (b) or clause (c) may supply services (other than those referred to in clause (b) of paragraph 6 of Schedule II, of value not exceeding ten per cent, of turnover in the State in the preceding financial year or five lakh rupees, whichever is higher.";
- (2) in sub-section (2), for clause (a), the following clause shall be substituted, namely:-
- "(a) save as provided in sub-section (1), he is not engaged in the supply of services;"

- | | | |
|---------------------------------|----|--|
| Amendment of Section 13. | 6. | In Section 13 of the principal Act, in sub-section (2), the words, brackets and figure "sub-section (2) of" occurring at clause (a) and (b), shall be omitted. |
| Amendment of Section 16. | 7. | <p>In Section 16 of the principal Act, in sub-section (2),-</p> <p>(1) in clause (b), for the Explanation, the following Explanation shall be substituted, namely:-</p> <p>"Explanation.- For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services -</p> <p>(i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;</p> <p>(ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person."</p> <p>(2) in clause (c), for the word and figures "Section 41", the words, figures and letter "Section 41 or Section 43A" shall be substituted.</p> |
| Amendment of Section 17. | 8. | <p>In Section 17 of the principal Act, -</p> <p>(1) in sub-section (3), the following Explanation shall be inserted, namely: -</p> <p>"Explanation.- For the purposes of this sub-section, the expression "Value of exempt supply" shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.";</p> <p>(2) in sub-section (5), for clauses (a) and (b), the following clauses shall be substituted, namely:-</p> <p>(a) "(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:-</p> <p>(A) further supply of such motor vehicles; or</p> <p>(B) transportation of passengers; or</p> <p>(C) imparting training on driving such motor vehicles;</p> <p>(aa) vessels and aircraft except when they are used-</p> <p>(i) for making the following taxable supplies, namely: -</p> <p>(A) further supply of such vessels or aircraft; or</p> <p>(B) transportation of passengers; or</p> <p>(C) imparting training on navigating such vessels; or</p> <p>(D) imparting training on flying such aircraft;</p> <p>(ii) for transportation of goods;</p> |

- (ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available –

- (i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;
- (ii) where received by a taxable person engaged -
- (l) in the manufacture of such motor vehicles, vessels or aircraft; or
- (ll) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;
- (b) the following supply of goods or services or both-
- (i) food and beverages, outdoor catering, beauty treatment, - health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

Provided that the input tax credit in respect of such goods or services or both shall be available, **where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;**

- (ii) membership of a club, health and fitness centre; and
- (iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available **where it is obligatory for an employer to provide the same to its employees under any law for the time being in force".**

**Amendment of
Section 20.**

9. In Section 20 of the principal Act, in the Explanation, in clause (c), for the words and figures "under entry 84", the words, figures and letter "under entries 84 and 92A" shall be substituted.

**Amendment of
Section 22.**

10. In Section 22 of the principal Act,-
- (i) in sub-section (l), for the word "ten" occurring in the last line, the word "twenty", shall be substituted;
- (ii) after sub-section (4), explanation in clause (iii) shall be omitted.

**Amendment of
Section 24.**

11. In Section 24 of the principal Act, in clause (x), after the words "commerce operator", the words and figures "who is required to collect tax at source under Section 52" shall be inserted.

**Amendment of
Section 25.**

12. In Section 25 of the principal Act, -
- (1) in sub-section (1), after the proviso and before the Explanation, the following proviso shall be inserted, namely: -

"Provided further that a person having a unit, as defined in the Special Economic Zones Act, 2005 (Central Act 28 of 2005), in a Special Economic Zone or being a Special Economic Zone developer shall have to apply for a separate registration, as distinct from his place of business located outside the Special Economic Zone in the State.";

- (2) in sub-section (2), for the proviso, the following proviso shall be substituted, namely: -

"Provided that a person having multiple places of business in the State may be granted a separate registration for each such place of business, subject to such conditions as may be prescribed".

**Amendment of
Section 29.**

13. In Section 29 of the principal Act, -

- (1) in the heading after the word "Cancellation", the words "or suspension" shall be inserted;

- (2) in sub-section (1), after clause (c), the following proviso shall be inserted, namely: -

"Provided that during pendency of the proceedings relating to cancellation of registration filed by the registered person, the registration may be suspended for such period and in such manner as may be prescribed.";

- (3) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:-

"Provided further that during pendency of the proceedings relating to cancellation of registration, the proper officer may suspend the registration for such period and in such manner as may be prescribed."

**Amendment of
Section 34.**

14. In Section 34 of the principal Act, -

- (1) in sub-section (1),-

- (a) for the words "Where a tax invoice has", the words "Where one or more tax invoices have" shall be substituted;

- (b) for the words "a credit note", the words "one or more credit notes for supplies made in a financial year" shall be substituted;

- (2) in sub-section (3),-

- (a) for the words "Where a tax invoice has", the words "Where one or more tax invoices have" shall be substituted;

- (b) for the words "a debit note", the words "one or more debit notes for supplies made in a financial year" shall be substituted.

**Amendment of
Section 35.**

15. In Section 35 of the principal Act, in sub-section (5), the following proviso shall be inserted, namely:-

"Provided that nothing contained in this sub-section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force."

**Amendment of
Section 39.**

16. In Section 39 of the principal Act,-
- (1) in sub-section "(1),-
 - (a) for the words "in such form and manner as may be prescribed", the words "in such form, manner and within such time as may be prescribed" shall be substituted;
 - (b) the words "on or before the twentieth day of the month succeeding such calendar month or part thereof." shall be omitted;
 - (c) the following proviso shall be inserted, namely: -
 "Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall furnish return for every quarter or part thereof, subject to such conditions and safeguards as may be specified therein.";
 - (2) in sub-section (7), the following proviso shall be inserted, namely: -
 "Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall pay to the Government the tax due or part thereof as per the return on or before the last date on which he is required to furnish such return, subject to such conditions and safeguards as may be specified therein.";
 - (3) in sub-section (9),-
 - (a) for the words "in the return to be furnished for the month or quarter during which such omission or incorrect particulars are noticed", the words "in such form and manner as may be prescribed" shall be substituted;
 - (b) in the proviso, for the words "the end of the financial year", the words "the end of the financial year to which such details pertain" shall be substituted.

**Insertion of
Section 43A**

17. After Section 43 of the principal Act, the following new Section 43A shall be inserted, namely, -
- "43A. Procedure for furnishing return and availing input tax credit.**
- (1) Notwithstanding anything contained in sub-section (2) of Section 16, Section 37 or Section 38, every registered person shall in the returns furnished under sub-section (1) of Section 39 verify, validate, modify or delete the details of supplies furnished by the suppliers.
 - (2) Notwithstanding anything contained in Section 41, Section 42 or Section 43, the procedure for availing of input tax credit by the recipient and verification thereof shall be such as may be prescribed.
 - (3) The procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient shall be such as may be prescribed.
 - (4) The procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) shall be such as may be prescribed and such procedure may include the maximum amount of the input tax credit which can be so availed, not exceeding twenty per cent.

Of the input tax credit available, on the basis of details furnished by the suppliers under the said sub-section.

(5) The amount of tax specified in the outward supplies for which the details have been furnished by the supplier under sub-section (3) shall be deemed to be the tax payable by him under the provisions of the Act.

(6) The supplier and the recipient of a supply shall be jointly and severally liable to pay tax or to pay the input tax credit availed, as the case may be, in relation to outward supplies for which the details have been furnished under sub-section (3) or sub-section (4) but return thereof has not been furnished.

(7) For the purposes of sub-section (6), the recovery shall be made in such manner as may be prescribed and such procedure may provide for non-recovery of an amount of tax or input tax credit wrongly availed not exceeding one thousand rupees.

(8) The procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person,-

- (a) within six months of taking registration;
- (b) who has defaulted in payment of tax and where such default has continued for more than two months from the due date of payment of such defaulted amount, shall be such as may be prescribed."

**Amendment of
Section 48.**

18. In Section 48 of the principal Act, in sub-section (2),-
- (1) after the words and figures "Section 44", the words and figures "Section 45" shall be inserted; and
 - (2) after the words and figures "Section 45", the words "and to perform such other functions" shall be inserted.

**Amendment of
Section 49.**

19. In Section 49 of the principal Act,-
- (1) in sub-section (2), for the word and figures "Section 41", the words, figures and letter "Section 41 or Section 43A" shall be substituted;
 - (2) in sub-section (5),-
 - (a) in clause (c), the following proviso shall be inserted, namely: -
"Provided that the input tax credit on account of State tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;"

**Insertion of new
Section 49A and
Section 49B.**

20. After Section 49 of the principal Act, the following Section 49A and Section 49B respectively shall be inserted, namely:-

Utilisation of input tax credit subject to certain conditions	"49A	Notwithstanding anything contained in section 49, the input tax credit on account of State tax shall be utilised towards payment of integrated tax or State tax, as the case may be, only after the input tax credit available on account of integrated tax has first been utilised fully towards such payment.
Order of Utilisation of the input tax credit	49B	Notwithstanding anything contained in this Chapter and subject to the provisions of clause (e) and clause (f) of sub-section (5) of Section 49, the Government may, on the recommendations of the Council, prescribe the order and manner of utilisation of the input tax credit on account of integrated tax, Central tax, State tax, as the case may be, towards payment of any such tax".
Amendment of Section 52.	21.	In Section 52 of the principal Act, in sub-section (9), for the word and figures "Section 37", the words and figures "Section 37 or Section 39" shall be substituted.
Amendment of Section 54.	22.	In Section 54 of the principal Act in clause (2) of the Explanation, - (a) in sub-clause (c), in item (i), after the words "foreign exchange", the words "or in Indian rupees wherever permitted by the Reserve Bank of India" shall be inserted; (b) for sub-clause (e), the following sub-clause shall be substituted, namely:- "(e) in the case of refund of unutilized input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under Section 39 for the period in which such claim for refund arises;"
Amendment of Section 79.	23.	In Section 79 of the principal Act, after sub-section (4), the following Explanation shall be inserted, namely: - 'Explanation.—For the purposes of this Section, the word 'person' shall include "distinct persons" as referred to in sub-section (4) or, as the case may be, sub-section (5) of Section 25.'
Amendment of Section 107.	24.	In Section 107 of the principal Act, in sub-section (6), in clause (b), after the words "arising from the said order," the words "subject to a maximum of rupees twenty-five crore," shall be inserted.
Amendment of Section 112.	25.	In Section 112 of the principal Act, in sub-section (8), in clause (b), after the words "arising from the said order," the words "subject to a maximum of rupees fifty crore," shall be inserted.
Amendment of Section 129.	26.	In Section 129 of the principal Act, in sub-section (6), for the words "seven days" occurring at both the places, the words "fourteen days" shall be substituted.
Amendment of Section 143.	27.	In Section 143 of the principal Act, in sub-section (1), in clause (b), after the proviso, the following proviso shall be inserted, namely:- "Provided further that the period of one year and three years may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding one year and two years respectively."

Amendment of Schedule I.	28.	In Schedule I of the principal Act, in paragraph 4, for the words "taxable person", the word "person" shall be substituted.
Amendment of Schedule II.	29.	In Schedule II of the principal Act, in the heading, after the word "ACTIVITIES", the words "OR TRANSACTIONS" shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017.
Amendment of Schedule III.	30.	<p>In Schedule III of the principal Act, -</p> <p>(1) after paragraph 6, the following paragraphs shall be inserted, namely:-</p> <p>"7. Supply of goods from a place outside India to another place outside India without such goods entering into India.</p> <p>8. (a) Supply of warehoused goods to any person before clearance for home consumption;</p> <p>(b) Supply of goods by the consignee to any other person, by endorsement of documents of title to the goods, after the goods have been dispatched from the port of origin located outside India but before clearance for home consumption.";</p> <p>(2) The Explanation shall be numbered as Explanation 1 and after Explanation 1 as so numbered, the following Explanations shall be inserted, namely: -</p> <p>"Explanation 2.- For the purposes of paragraph 8, the expression "warehoused goods" shall have the same meaning as assigned to it in the Customs Act, 1962 (Central Act 52 of 1962)".</p>
Repeal and Savings.	31. (1)	The Meghalaya Goods and Services Tax (Amendment) Ordinance, 2019 (Meghalaya Ordinance No. 6 of 2019) is hereby repealed.
	(2)	Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

S. K. SANGMA,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).148/85/469.—The Legislative Assembly of Meghalaya (Members Pension) (Amendment) Act, 2019 (Act No. 11 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 11 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 15th October, 2019.

**THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS PENSION)
(AMENDMENT) ACT, 2019**

An

Act

further to amend, the Legislative Assembly of Meghalaya (Members Pension) Act, 1977

Be it enacted by the Legislature of the State of Meghalaya in the Seventieth year of the Republic of India as follows :-

- | | |
|---|--|
| 1. Short title and commencement. | <p>1. (1) This Act may be called the Legislative Assembly of Meghalaya (Member's Pension) (Amendment) Act, 2019.</p> <p>(2) It shall come into force from the date of notification in the official Gazette.</p> |
| 2. Amendment Section 3 of Act of 1977. | <p>In the second proviso to Sub-Section (1) of Section 3, of the Legislative Assembly Meghalaya Member's Pension Act 1977 (Meghalaya Act No. 6 of 1977) herein after known as the Principal Act, for existing words "Rupees One thousand" appearing therein, the words "Rupees Two thousand" shall be substituted.</p> |
| 3. Insertion of Section 4C | <p>After Section 4 B of the Principal Act, the following new section shall be inserted, namely :-</p> <p>"4C. Driver Allowance - An Ex-MLA shall be entitled to Driver Allowance of Rupees Ten Thousand only per month".</p> |

S. KHARLYNGDOH,

Commissioner & Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).148/85/Pt/43.—The Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Act, 2019 (Act No. 12 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 12 OF 2019.

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 10th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 15th October, 2019.

**THE LEGISLATIVE ASSEMBLY OF MEGHALAYA (MEMBERS' SALARIES AND
ALLOWANCES) (AMENDMENT) ACT, 2019**

An

ACT

further to amend the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972;

Be it enacted by the Legislature of the State of Meghalaya in the seventieth year of the Republic of India as follows :-

- | | |
|--|--|
| 1. Short title and commencement. | (1) This Act may be called the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) (Amendment) Act, 2019.

(2) It shall come into force from the date of notification in the official Gazette. |
| 2. Amendment of Section 4 of Act No. 8 of 1972. | In clause (b) of Section 4 of the Legislative Assembly of Meghalaya (Members' Salaries and Allowances) Act, 1972 hereinafter referred to as the principal Act, for the words "rupees six hundred" appearing therein, the words "rupees One thousand two hundred" shall be substituted. |

S. KHARLYNGDOH,

Commissioner & Secretary to the Govt. of Meghalaya,
Law Department.



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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 15th October, 2019.

No.LL(B).20/2012/50. – The Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019 (Act No. 13 of 2019) is hereby published for general information.

MEGHALAYA ACT NO. 13 OF 2019

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 9th October, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 15th October, 2019.

**THE MEGHALAYA PRIVATE UNIVERSITIES (REGULATION OF ESTABLISHMENT
AND MAINTENANCE OF STANDARDS) ACT, 2019**

An

Act

to provide for regulation of Private Universities in the State and for matters connected therewith.

Whereas the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2012 (Act No.8 of 2012), though in place, requires to be repealed and a new law be put in place for regulating the Private Universities and to ensure conformity with the observations of the Supreme Court in Prof. Yashpal versus State of Chhattisgarh and others.

Be it enacted by the Legislature of the State of Meghalaya in the Seventieth Year of the Republic of India as follows: -

**Short title,
Application and
Commencement.**

1. (1) This Act may be called the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019.
- (2) It shall apply to -
 - (a) all Private Universities established by or incorporated under a State Act passed by any State Legislature or Union Territory in India;
 - (b) operating in Meghalaya including those set up in collaboration with Foreign University/Universities;
 - (c) offering courses in the formal or non-formal; and
 - (d) in the distance education mode.
- (3) It shall come into force with effect from the date of notification.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) "Act" means the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standard) Act, 2019;
 - (b) "application fee" means amount, referred to in sub-section (4) of Section 3, deposited by the sponsoring body along with the proposal and project report to establish a university in private sector;
 - (c) "off-campus center" means a center of the private university established by it outside the main campus (within or outside the state) operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
 - (d) "off-shore campus" means a campus of the private university established by it outside the country, operated and maintained as its constituent unit, having the university's complement of facilities, faculty and staff;
 - (e) "prescribed" means prescribed by rules made under this Act;
 - (f) "Private university" means university duly established through a State Act by a sponsoring body viz. a Society registered under the Meghalaya Registration of Societies Act, 1983 or any other corresponding law for the time being in force in a State or a Public Trust or a Company registered under Section 25 of the Companies Act, 1956;
 - (g) "State Government" means the State Government of Meghalaya;
 - (h) "study center" means a center established and maintained or recognized by the university for the purpose of advising, counseling or for rendering any other assistance required by the students used in the context of distance education; and
 - (i) "Student" means a person duly admitted and pursuing a programme of study.

**Application for
Establishment of
Private Universities.**

3. (1) An application in the prescribed format along with the letter of intent for establishment of a private university shall be submitted to the Government in the Education Department well in time before the date on which the sponsoring body proposes to establish such private university.
- (2) The application shall be duly acknowledged by the Director of Higher and Technical Education, Meghalaya.
- (3) The application shall be signed by such persons authorized to authenticate instruments on behalf of the sponsoring body.
- (4) An application fee (non-refundable) of rupees ten thousand only shall be enclosed with the application through a crossed account payee bank draft in favour of the Government of Meghalaya through the Director of Higher and Technical Education, Meghalaya, payable at Shillong. The money received on account of application fee shall be deposited by the Director of Higher and Technical Education in current account in a nationalized bank to be operated jointly by the Director of Higher and Technical Education and the Finance and Accounts officer of the Directorate.
- (5) Application for the establishment of the private university shall contain the project report with all relevant particulars and report including soft copies in a format to be, prescribed by the Department at the appropriate time.
- (6) On receipt of such application, Government shall cause necessary inquiry into the (a) Financial Capacity (b) antecedent (c) record, (d) reputation, (e) credentials and (f) experience of the proposed sponsor as an education service provider especially in the field of higher education so as to ensure that only capable and competent sponsors are allowed to operate in the State.
- (7) The Government has the right to reject an application for reasons as it deems justifiable. The sponsoring body may, however, apply afresh for a new or a modified project along with application fee, not later than 6 months from the date of rejection of previous proposal.
- (8) The State Government reserves the right to allow or disallow any proposal for change of sponsorship of Private Universities keeping in view (i) the effect of the proposed change on the academic and employment prospects of the students of the University, (ii) the advantages and disadvantages of dissolution of the University as compared to change of sponsorship, (iii) the possible reflection of dissolution or change of sponsorship on the image and reputation of the State in the field of education and (iv) possible disruption of programmes of studies and inconvenience to the students.

**Establishment and
Representation in
Private Universities.**

4. (1) Each private university shall be established by a separate State Act and shall conform to the relevant provisions of such State Act.
- (2) For a Private University established by a State Act and which is non-functional within 2 (two) years of establishment, any land allotted, whether privately owned or on lease or otherwise, will revert back to the owners(s)/lessee(s) on terms and conditions agreed upon.
- (3) A private university shall be a unitary university having adequate facilities for teaching, research, examination and extension services with no power of affiliation.
- (4) The Board of Governors of each Private University shall include two representatives of the State Government, one of whom should be an educationist of repute.

**Programmes and
Degrees.**

- (5) The Board of Management of each Private University shall include one representative to be nominated by the State Government.
 - (6) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization.
 - (7) All degrees awarded by the Private University shall only be issued from its main campus.
 - (8) The teachers of Private Universities shall be designated as Assistant Professor, Associate Professor and Professor in accordance with the UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for The Maintenance of Standards in Higher Education, 2010.
 - (9) The Private Universities shall adhere to UGC Regulations in matters relating to pay and allowances.
5. A private university established under a State Act shall operate ordinarily within the boundary of the State concerned, subject to the following conditions, namely:-
- (a) a private university shall fulfill the minimum criteria in terms of programmes, faculty, infrastructural facilities, financial viability as laid down from time to time by the UGC and other concerned statutory bodies to which it applies such as the All India Council for Technical Education (AICTE), the Bar Council of India (BCI), the Distance Education Council (DEC), the Dental Council of India (DCI), the Indian Nursing Council (INC), the Medical Council of India (MCI), the National Council for Teacher Education (NCTE), the Pharmacy Council of India (PCI), etc;
 - (b) the courses of studies prescribed for a first degree and/or the postgraduate degree/diploma programmes should have been formally approved by the respective academic bodies of the private university, such as Board of Studies, Academic Council or Governing Council or Executive Council;
 - (c) the programme of study leading to a degree and/or a post graduate degree or diploma offered by a Private University shall conform to the relevant regulations or norms of the concerned Statutory Body as amended from time to time;
 - (d) a Private University shall provide all the relevant information relating to the first degree or diploma programme(s) including the curriculum structure, contents, teaching and learning process, examination and evaluation system and the eligibility criteria for admission of students to the Education Department, Government of Meghalaya on a Proforma prescribed by the UGC prior to starting of these programmes which the Government shall give due publicity by uploading the same on the Education Department Website, inviting representations and grievances, if any, from all concerned;
 - (e) the Education Department, Government of Meghalaya on detailed examination of the information made available as well as representation and grievances, if any, received by it from the students as well as concerned public relating to the deficiencies of the proposed programme(s) not conforming to various regulations and directions of the UGC and other Statutory Councils shall inform the concerned University about any such shortcomings in respect of conformity to relevant regulations for rectification. The University shall offer the programme(s) only after such rectification;

- (f) the admission procedure and fixation of fees shall be in accordance with the norms or guidelines prescribed by the State Government and other concerned Statutory bodies; and
- (g) relaxation of fees for poor SC/ST and meritorious students of the State is to be formulated by a separate policy of the private university in consultation with Government of Meghalaya.
- Acceptance and Rejection.**
6. (1) In case of acceptance or rejection of the application for establishment of a private university, the Government shall communicate the same formally.
- (2) In case of acceptance, the Government may take necessary steps to frame appropriate University Bill to be passed by the Meghalaya State Legislature.
- (3) When the formalities as per the relevant Act have been complied with, the sponsor shall procure land and have proper infrastructure including teaching staff as per the norms of the UGC or any other authority as the case may be without which they shall not start the University except with the specific permission given by the State Government.
- Endowment Fund.**
7. (1) The Endowment Fund in respect of each Private University in the form of an account payee cheque issued by a Scheduled Bank in favour of Director of Higher and Technical Education, Meghalaya shall be deposited by the concerned University with Director of Higher and Technical Education, Meghalaya.
- (2) The Directorate of Higher and Technical Education shall deposit the Endowment Fund received from the concern Private University in a scheduled Bank in a Fixed Deposit without delay and in any case not later than two working days after the receipt of the account payee cheque in his favour by the University.
- (3) Not exceeding 75% of the interest accruing from the Endowment Fund in the fixed deposit shall be used for the purpose of development work of the University, not less than 20% of such interest shall be reinvested in the Endowment Fund and 5% thereof shall be utilized by State Government for funding the Private Universities Regulatory Board set up as envisaged at Section 11 herein below.
- (4) In case the Private University or the sponsoring body contravenes any of the provisions of this Act, regulations or rules made there under, a part or the whole of endowment fund may be forfeited by the Government. However, before such forfeiture, the Government shall serve a show cause notice on the university or its sponsor and give them an opportunity to be heard.
- (5) The Government shall, among other things, duly consider the reply submitted by the sponsoring body or private university.
- (6) In case the reply to show cause notice issued under sub-section (4) is not submitted by the sponsoring body or by the Registrar of the university within 45 days of receipt of the notice, the Government may decide the case on an ex-parte basis.
- (7) The forfeited amount of endowment fund shall be used in the manner as specified in the relevant provisions of the governing Act.
- Inspection and Disclosure of Information.**
8. The State Government shall have the right to cause inspection of all records and premises of the university at any given time. In the event of the university violating conditions set forth in the relevant Act or in the event of the university deviating from norms and extant regulations laid down by the UGC, the State Government may call for all relevant information from the concerned private university in whatsoever form as may be prescribed at the relevant time.

Consequences of Violations.

9. (1) After inspection and assessment of a Private University providing first degree and/or post graduate degree / diploma courses, the Education Department, Government of Meghalaya may communicate to the private university any deficiency and non-conformity with the relevant Government regulations and give it reasonable opportunity to rectify the same. If the State Government, is satisfied that the private university has, even after getting an opportunity to do so, failed to comply with the provisions of any of the Regulations, it may pass an order prohibiting the private university from offering any course for the award of the first degree and, or the post-graduate degree or diploma, as the case may be, till the deficiency is rectified.
- (2) Any private university, which has been notified before commencement of this Act, shall comply with the provisions of this Act within a period of three months from the commencement of this Act and intimate the compliance to the State Government.
- (3) The State Government may take necessary action against a Private University awarding a first degree and or post graduate degree or Diploma which are not specified by the UGC or any other concerned Statutory Council.
- (4) No private university established by an Act of a State Legislature other than the Meghalaya State Legislature shall be allowed to open any off-campus centre, study centre, Regional centre and other similar centres by whatever name called in the State of Meghalaya without the prior approval of the State Government of Meghalaya to whom they may apply for such permission on payment of a prescribed fee of Rupees ten thousand only:
- Provided that any such University already having an off-campus centre etc., in Meghalaya prior to the coming into force of this Act, shall immediately apply to the State Government for *expost facto* permission.
- (5) The State Government shall not grant permission to any such Private University to set up any such centre as specified at sub-section (4) of Section 9 above unless , -
- (a) the concerned University has been in existence for not less than a period of five years;
- (b) it has developed its main campus; and
- (c) it has obtained UGC's prior: approval to set up such centre in the State of Meghalaya.
- The State Government reserves the right to reject any such application keeping in mind the academic welfare of the students of the State.
- (6) The State Government may take appropriate action against an off-campus centre, study centre, regional centre, and other similar centres by whatever name called of any private university set up on the strength of an Act passed by State Legislature other than the State Legislature of Meghalaya, if such centre is found not to have fulfilled the conditions prescribed in this Act including direction for the closure of such centre.
- (7) The State Government on the recommendation of the Regulatory Board specified under sub-section (1) of Section 11, impose penalties on any private university which awards any degree that does not conform to extant government regulations:
- Provided no such penalty shall be imposed unless such private university is given a reasonable opportunity of being heard.

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| Constitution of Meghalaya Higher Education Council. | 10. | There shall be a Higher Education Council to be called the Meghalaya Higher Education Council for the purpose of assisting the Government on the matters of policy relating to development of higher education and maintaining of standards in higher education in the State of Meghalaya enacted under the Meghalaya Higher Education Council Act, 2018 (Act No. 3 of 2018). |
| Constitution of Regulatory Board. | 11. | <p>The State Government shall constitute a Regulatory Board consisting of Chairman and three members to be nominated by the State Government from eminent educationists of repute or eminent persons with the vast administrative experience to be specified under the rules. The terms of reference of the Board shall be as follows:-</p> <ul style="list-style-type: none"> (a) to periodically inspect all Private Universities which have been set up in Meghalaya including study centre etc.; (b) to requisition any specific information from the institutions indicated at (a) above; (c) to call for reports from Directorate of Higher and Technical Education or directly from the Registrar of the concerned University which may be of academic nature and otherwise; (d) to ensure that quality education is imparted by these institutions as per the guidelines of the UGC or any Statutory Body/Regulatory Body under the control of Government; (e) the Regulatory Board shall have a permanent office with adequate staff with Headquarters at Shillong; (f) the members shall be entitled to such Honorarium, travelling allowances and daily allowances as shall be prescribed separately; (g) the Regulatory Board shall submit Annual Reports in respect of the Private Universities including those Universities having off campus centre/study centre/regional centre etc. functioning in the State. Such reports shall make specific recommendations for action/s to be taken by the Government including imposition of penalty as provided for any violation of relevant provisions laid down by Government; and (h) the Board shall bring any important development in respect of any Private University as it arises, to the notice of the Government. |
| Power to make Rules. | 12. | The State Government may make rules for carrying out the purposes of this Act. |
| Repeal and savings. | 13. | <p>(1) The Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2012 (Act No. 8 of 2012) is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the repealed Act shall be deemed to have been done or taken under the provisions of this Act.</p> |

D. LYNDOH,
Deputy Secretary to the Govt. of Meghalaya,
Law Department.